

Message Text

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61

ACTION EB-11

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 7923

INFO AMCONSUL CAPE TOWN

LIMITED OFFICIAL USE PRETORIA 1254

E. O. 11652: N/ A

TAGS: ETRD, SF

SUBJECT: COPYRIGHT PROTECTION OF MOTION PICTURE FILMS

REF: STATE 64647

CAPE TOWN FOR EMBASSY

SUMMARY: AFTER DISCUSSION DRAWING ON US POSITION PER REFTEL, SA COPYRIGHT OFFICIAL SCHOEMAN DISPOSED MOVE ON AMENDATORY PROCLAMATION EXTENDING TO US PROVISIONS CURRENT SA COPYRIGHT LAW RELATING FILMS AND SOUND RECORDINGS. HE FORESEES DIFFICULTY FOR PROCLAMATION COVERING ENTIRE SA ACT IN VIEW QUESTIONS ON EXTENT RECIPROCAL TREATMENT BECAUSE OF US MANUFACTURING REQUIREMENT FOR BOOKS AND THINKS THIS BEST LEFT ASIDE AT THIS TIME.

1. REFTEL EXTREMELY HELPFUL AND BELIEVE GOOD PROGRESS MADE IN DISCUSSION WITH SCHOEMAN LAST WEEK. IT MUTUALLY UNDERSTOOD EXCHANGE INFORMAL AND PRIVATE TO WORK OUT WAY TO ACCOMPLISH PURPOSE. SCHOEMAN ACCEPTED POSITION NEW NEGOTIATION NOT PRACTICAL CONSIDERATION AND WAS IMPRESSED BY ARGUMENT FOR NATIONAL TREATMENT UNDER EXISTING CURRENT LAW AS SUPPORTED BY POSITION PARA 5 (A) REFTEL. PROCLAMATION, OF COURSE, REQUIRED UNDER 1965 SA LAW.

2. US MANUFACTURING CLAUSE FOR BOOKS STILL STRUCK HIM AS
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OBSTACLE OF SUBSTANCE IN SEEKING PROCLAMATION APPLYING 1965 LAW IN BLANKET MANNER. SAID HE DID NOT (RPT NOT) HAVE INFORMATION FULL EXTENT TO WHICH SA INDUSTRY FOUND THIS ONEROUS, BUT HE DID DISPLAY FILE CORRESPONDENCE FROM LEGAL FIRMS COMPLAINING ON BEHALF OF SA CLIENTS IN TWO CASES. FIVE YEAR AD INTERIM COPYRIGHT FOR ENGLISH LANGUAGE BOOKS NOTED, AS WAS ALSO FACT US LEGISLATION PRECLUDED WAIVER. SCHOEMAN APPEARED RESIGNED THAT NOTHING COULD BE DONE ABOUT THIS IN PRESENT CONTEXT AND ACCORDINGLY FAVORED ROUTE AMENDATORY TYPE PROCLAMATION EXTENDING PROVISIONS SA 1965 LAW TO MOTION PICTURE FILMS AND SOUND RECORDINGS.

3. RE SOUND RECORDINGS, SCHOEMAN NOTED THAT LOCAL PURCHASERS OF RIGHTS FROM US WERE COMPLAINING TO HIM ABOUT UNAUTHORIZED REPRODUCTIONS AND HE THOUGHT BEST SETTLE THIS ASPECT AT SAME TIME. RECENT US ACTION ON SOUND RECORDINGS (PARA 5 B REFTEL) TIED INTO THIS READILY.

4. SCHOEMAN RAISED QUESTION ON FORMALITIES CONNECTION US COPYRIGHT PROTECTION FILMS AND/ OR SOUND RECORDINGS WHICH MIGHT IN TURN BE RAISED IN COURSE SATISFYING APPROPRIATE AUTHORITIES THAT THERE WAS RECIPROCAL " ADEQUATE" PROTECTION PER CHAPTER V SECTION 32-3 OF 1965 ACT. STATED HE APPRECIATED VALUE OF REGISTRATION AS FACILITATING PROTECTION BUT ASKED IF MORE DETAILED INFORMATION COULD BE PROVIDED HIM ON WHAT CONSEQUENCES OF FAILURE TO REGISTER MIGHT BE.

5. ON 30 DAYS VS 60 DAY " SIMULTANEOUS PUBLICATION" QUESTION, SCHOEMAN SAID HE THINKING ABOUT LEAVING THIS SUBJECT UNSPECIFIC IN AMENDATORY PROCLAMATION. BY EXTENDING THE 1965 ACT PROVISIONS RE FILMS AND RECORDINGS THIS WOULD IMPLICITLY APPLY THE 30 DAY PROVISION IN IT. HE ASKED WHETHER THIS POSED ANY PROBLEM. (EMBOFF NOTED DEPT. STILL STUDYING THIS QUESTION.)

6. IN VIEW PHRASING SAG FORMAL REPLY PREVIOUS NOTE, (SEE PRETORIA 1069) IT WAS AGREED THAT FURTHER NOTE FROM EMBASSY FOCUSING AGAIN ON SPECIFIC FILM PROBLEM AND RECITING US POSITION (ESSENTIALLY AS PUT IN PARAS 5 - B AND 6 REFTEL) MIGHT BE SENT. SCHOEMAN SAID HE CONFIDENT SAG COULD MOVE QUICKLY ON THIS BASIS. FYI: SCHOEMAN ADDED THAT IN VIEW SAG SHORTAGE TECHNICAL STAFF HE INTENDED ASKING KENTRIDGE (SA ATTORNEY WHO HAS URGED NEED FOR AMENDATORY PROCLAMATION) LIMITED OFFICIAL USE

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TO HELP DRAFT PROCLAMATION. END FYI.

7. FYI: LOCAL REPS (KINEKOR) OF AMERICAN FILM COMPANIES
HAVE BEEN IN TOUCH WITH EMBOFF. THEY REPORT SENIOR KINEKOR
EXECUTIVE RAISED PROBLEM PROTECTION WITH DEPUTY MINISTER ECONOMY
LAST WEEK AND
E E E E E E E

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*** Current Classification *** LIMITED OFFICIAL USE

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